

**REMARKS**

This is in full and timely response to the Restriction Requirement made in the Office Action mailed on July 6, 2005. Reexamination in light of the following remarks is respectfully requested.

Claims 1-6 are pending in this application, with claims 1 and 4 being independent.  
*No new matter has been added.*

**Election**

The Applicant, through its representatives and attorneys, hereby provisionally elects, with traverse, the invention of the alleged **Group I** invention having claims **1-3**.

**Traversal**

For the reasons provided hereinbelow, the Restriction Requirement made within the Office Action mailed on July 6, 2005 is respectfully traversed.

The above-identified application is an application under 35 U.S.C. §371

M.P.E.P. §1893.03(d) provides that the **principles of unity of invention** are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. Unity of invention, not restriction practice, is applicable in international applications and in national stage (filed under 35 U.S.C. §371) applications.

**Unity of invention**

When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group

(i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

(1) List the different groups of claims:

The Restriction Requirement of July 6, 2005 asserts an existence of the following patentably distinct Embodiments:

- An alleged Group I, claim(s) 1-3: drawn to Figures 1-2; a run-flat support member composed of an annular support surface shell with elastic rings for supporting the shell on a rim.
- An alleged Group II, claim(s) 4-6: drawn to Figures 3-4, a run-flat insert with a support surface mounted in a rim well.

(2) Explain why each group lacks unity with each other group:

Paragraph 2 of the Restriction Requirement contends that the inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT 13.2, they lack the same or corresponding special technical features for the following reasons. The inventions each have unique physical structures.

Specifically, the Office Action contends that invention I is a run-flat member formed from a spring steel annular member with elastic rings for supporting the spring member on a rim; this run-flat member providing resilient support for a tire in an under-inflated condition.

In response to this contention, the Office Action fails to show where within claims 1-3 there is found a run-flat member formed from a spring steel annular member with elastic rings for supporting the spring member on a rim. The Office Action additionally fails to show where within claims 1-3 there is found the run-flat member providing resilient support for a tire in an under-inflated condition.

The Office Action further contends that the invention II is a run-flat member that is formed as an "I" or "H" shaped block that is mounted on a rim; providing a non-resilient support for a tire in an under-inflated condition.

In response to this contention, the Office Action fails to show where within claims 4-6 there is found a run-flat member that is formed as an "I" or "H" shaped block that is mounted on a rim. The Office Action also fails to show where within claims 4-6 there is found providing a non-resilient support for a tire in an under-inflated condition.



M.P.E.P. §1893.03(d) explains that a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression "special technical feature" is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

As shown hereinabove, the Office Action fails to refer to the language found within the claims to explain why each group lacks unity with each other group.

Accordingly, the Restriction Requirement made within the Restriction Requirement of July 6, 2005 is improper. Withdrawal of the Restriction Requirement and examination of all pending claims is respectfully requested.

Dated: August 2, 2005

Respectfully submitted,

By  

David T. Nikaido

Registration No.: 22,663

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W.

Suite 501

Washington, DC 20036

(202) 955-3750

Attorneys for Applicant